

INTRODUCED: December 9, 2019

AN ORDINANCE No. 2019-335

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Deed of Quitclaim of Utility Easement Portion and Deed of Correction between the City of Richmond and Sauer Properties, Inc. for the purpose of releasing a portion of a utility easement and correcting a deed reference in an Easement Deed.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

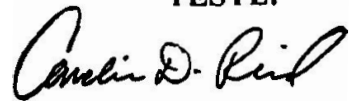
PUBLIC HEARING: JAN 13 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a Deed of Quitclaim of Utility Easement Portion and Deed of Correction between the City of Richmond and Sauer Properties, Inc. for the purpose of releasing a portion of a utility easement and correcting a deed reference in an Easement Deed. Such Deed of Quitclaim of Utility Easement Portion and Deed of Correction shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**



City Clerk

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 27 2020 REJECTED: _____ STRICKEN: _____



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

4-9408
NOV 13 2019

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: November 12, 2019

EDITION

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer

THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer - Operations

THROUGH: Calvin D. Farr, Jr., Director of Public Utilities

THROUGH: Jonathan Snyder, DPU Energy Services Manager

FROM: Charles Scott Yates, Operations Manager, DPU Development Services

RE: Quitclaim Deed - Sauer Properties Inc., 2220 W. Broad St.

ORD. OR RES. No. _____

RECEIVED

DEC 02 2019

OFFICE OF THE CITY ATTORNEY

Handwritten date: 12/22/19

Handwritten signatures: C.D. Farr, J. Snyder

Handwritten signature: Charles Scott Yates

PURPOSE: To authorize the Chief Administrative Officer, on behalf of the City of Richmond, to execute a quitclaim deed between Sauer Properties Inc., a Virginia corporation, and the City of Richmond, Virginia. The quitclaim deed releases a 7' by 7' section of a utility easement that was recently dedicated to the City from Sauer Properties, Inc. (the property owner) by a deed of utility easement recorded August 9, 2019 (the "Easement Deed").

REASON: After the easement was accepted by the City, it was discovered that a 7' by 7' portion of the easement was overlain by a corner of an existing building. Sauer Properties, Inc. now requests that the 7' by 7' portion of the easement be vacated by the City to alleviate potential title and financing concerns. The vacation of the 7' by 7' portion of easement will have no operational impact on DPU's ability to perform its work in the remaining easement area. Additionally, the quitclaim deed will correct an erroneous deed reference in the Easement Deed.

RECOMMENDATION: It is recommended that an ordinance be adopted authorizing the Chief Administrative Officer, on behalf of the City of Richmond, to sign a quitclaim deed vacating the 7' by 7' portion of the easement from Sauer Properties, Inc.

BACKGROUND: The buildings at 2220 W. Broad St. (formerly the Pleasants Hardware site) along with five outlying buildings were renovated or demolished. This work required the

installation of new DPU utilities and need for additional utility easements. The property owner requests that the City vacate the 7' by 7' portion of the easement in which the building corner will remain.

FISCAL IMPACT / COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: None.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: December 9, 2019.

CITY COUNCIL PUBLIC HEARING DATE: January 13, 2020.

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation Committee.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: N/A.

AFFECTED AGENCIES: Department of Public Utilities.

RELATIONSHIP TO EXISTING ORD. OR RES.: N/A.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Proposed Quitclaim Deed
Deed of Utility Easements (No. 19-16232, recorded August 9, 2019).

STAFF: Charles Scott Yates, Operations Manager, DPU Development Services

AFTER RECORDING RETURN TO:
City of Richmond, Department of Public Utilities
Attn: Melvin Lee
City Hall
900 E. Broad Street, Room 115
Richmond, Virginia 23219

CITY OF RICHMOND, VIRGINIA
TAX MAP NO: N0001396014

**DEED OF QUITCLAIM OF UTILITY EASEMENT PORTION
AND DEED OF CORRECTION**

THIS DEED OF QUITCLAIM OF UTILITY EASEMENT PORTION AND DEED OF CORRECTION (this "Deed") is made this 12 day of November, 2019, by and between the **CITY OF RICHMOND**, a municipal corporation organized under the laws of the Commonwealth of Virginia, to be indexed as grantor (the "GRANTOR"), and **SAUER PROPERTIES, INC.**, a Virginia corporation, to be indexed as grantee (the "GRANTEE") (collectively, the "Parties").

RECITALS

WHEREAS, GRANTEE is the owner of certain real property located in the City of Richmond, Virginia, designated as Tax Parcel No. N0001396014 and being a portion of the same real estate conveyed to GRANTEE by deed recorded in the Clerk's office of the Circuit Court of the City of Richmond (the "Clerk's Office") as Instrument No. 2012-8200 (the "Property"); and

WHEREAS, by Deed of Utility Easements dated July 31, 2019, and recorded on August 9, 2019 in the Clerk's Office as Instrument No. 2019-16232 (the "Easement Deed"), GRANTEE conveyed to GRANTOR various variable width, permanent, non-exclusive utility easements (the "Easements"); and

WHEREAS, the location of the Easements is shown on that certain plat entitled **Plat for the Quit Claim of Utility Easement across the Property Sauer Properties Inc. Tax Parcel N0001396014 in the City of Richmond, VA.**, prepared by **Lewis & Associates P.C.**, dated **September 9, 2019**, and marked as "Attachment A," attached hereto and made a part hereof (the "Easement Area"); and

WHEREAS, after the Easement Deed was recorded, GRANTEE discovered that a corner of an existing building lies within a seven foot by seven foot (7' by 7') portion of the Easement Area (the "Portion"), the location of which Portion is labeled as "Easement to be Quit Claimed" on Attachment A; and

WHEREAS, the Easement Deed erroneously referenced the instrument number by which the Property was conveyed to GRANTEE as 2018-8200, which correct reference is instrument number 2012-8200; and

WHEREAS, the Parties desire to reduce the Easement Area, and thereby the Easements, to exclude the Portion; and

WHEREAS, the Parties desire to correct the erroneously-referenced Easement Deed instrument number; and

WHEREAS, pursuant to the terms of Ordinance No. 20__ - _____, adopted by the Richmond City Council on _____, 20__, and attached hereto as "Attachment B" without its attachments which are duplicative of this Deed and the Attachments hereto, GRANTOR has agreed to vacate, convey, remise, release, and forever quitclaim to GRANTEE the Portion, as more particularly set forth in this Deed.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated herein and made a part hereof, and in consideration of the mutual undertakings herein contained, ten dollars cash in hand paid (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR and GRANTEE agree as follows:

1. GRANTOR hereby vacates, conveys, remises, releases, and forever quitclaims to GRANTEE and their successors and assigns, all rights, title and interests of GRANTOR in and to the Portion conveyed by the Easement Deed and resulting from inclusion of the Portion in the Easement Area.
2. The Easement Deed reference to "Instrument No. 2018-8200" is hereby corrected as "Instrument No. 2012-8200."
3. Each individual executing this Deed represents that he or she is duly authorized to bind GRANTOR or GRANTEE, as the case may be, to the terms and provisions of this Deed.

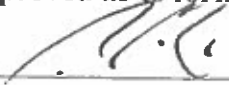
SIGNATURES ON FOLLOWING PAGES

IN WITNESS WHEREOF, GRANTOR has hereunto affixed its signature and seal as of the day and year first herein above written.

CITY OF RICHMOND (GRANTOR)

By: _____
Lenora G. Reid
Acting Chief Administrative Officer
City of Richmond, Virginia

Approved as to form:

By:  _____
A. Ross Phillips
Assistant City Attorney
City of Richmond, Virginia

**COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:**

I, _____, Notary Public in and for the City and State aforesaid, do hereby certify that Lenora G. Reid, whose name is signed to the foregoing deed of quitclaim of utility easement portion and deed of correction bearing date _____ day of _____, 20__, personally appeared before me in my City and State aforesaid and acknowledged the same to be her act and deed.

Given under my hand this _____ day of _____, 20__.

Notary Public

Notary Registration Number: _____
My commission expires: _____

SAUER PROPERTIES, INC. (GRANTEE)

By: Ashley Peace

Name: Ashley Peace

Title: President

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

I, Marsha Stakes, Notary Public in and for the City and State aforesaid, do hereby certify that Ashley Peace, whose name is signed to the foregoing deed of quitclaim of utility easement portion and deed of correction bearing date 12th day of November, 2019, personally appeared before me in my City and State aforesaid and acknowledged the same to be their act and deed.

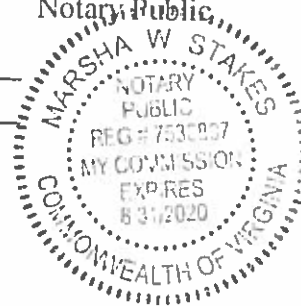
Given under my hand this 12th day of November, 2019.

Marsha Stakes

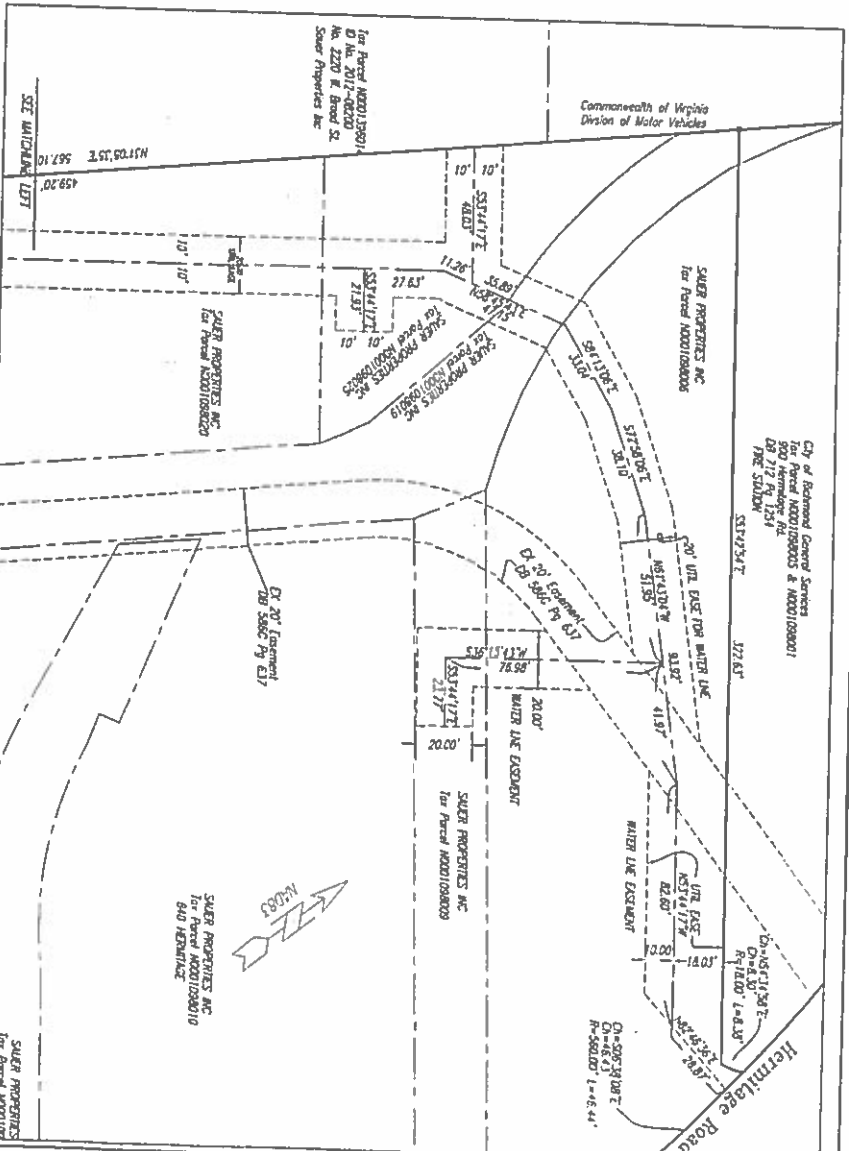
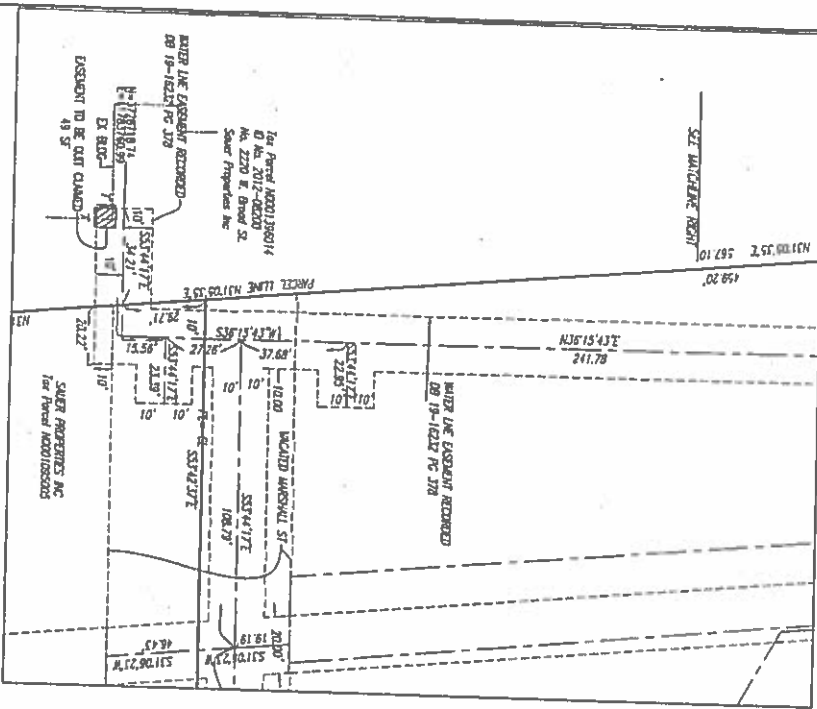
Notary Public

Notary Registration Number: 7530807

My commission expires: August 31, 2020



Attachment A



DECKS UTILITY EASEMENT CUT CLAM AREA

LEWIS & ASSOCIATE
 ENGINEERS & ARCHITECTS
 9 SEPTEMBER 2019 SCALE 1"=30'
 PLAT FOR THE QUIT CLAIM OF UTILITY EASEMENT
 ACROSS THE PROPERTY SAUER PROPERTIES INC.
 Tax Parcel A0001390014 IN THE CITY OF
 RICHMOND, VA.

SAUER PROPERTIES INC
 Tax Parcel A0001390010
 840 HERMINBLE

City of Richmond General Services
 Tax Parcel A0001390005 & A0001390001
 608 712 7th Street
 P.O. BOX 5100
 RICHMOND, VA 23219